

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202, Lobby B Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Shauna Deluca, Esq. (SD-8248)	CASE NO.: 21-15529-VFP CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Maria Pinho, Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

DLJ Mortgage Capital, Inc. ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 3), and states as follows:

1. Debtor, Maria Pinho ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 6, 2021.
2. Secured Creditor holds a security interest in the Debtor's real property located at 134 Orchard Street, Garfield, NJ 07026, by virtue of a Mortgage recorded on April 24, 2008 in Book 17286 at Page 156 of the Public Records of Bergen County, NJ. Said Mortgage secures a Note in the amount of \$301,272.00.
3. The Debtor filed a Chapter 13 Plan on July 6, 2021.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is approximately \$106,448.63, whereas the Plan proposes to pay only \$12,650.78. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$106,448.63 as the pre-petition arrearage over the life of the plan, subject to the final figures in the anticipated proof of claim.

5. Based on the disposable income identified in Debtor's Schedule J, the Debtor lacks the ability to fund the Plan after considering the correct pre-petition arrears owed to Secured Creditor. As a result, the Plan is not feasible and fails to satisfy the confirmation requirements of 11 U.S.C. § 1325(a)(6).

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC

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CERTIFICATION OF SERVICE

1. I, Shauna Deluca, represent DLJ Mortgage Capital, Inc., in this matter.
2. On August 20, 2021, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below: Objection to Confirmation of Plan.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: August 20, 2021

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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
John Richard Voorhees, III Patel, Soltis, & Cardenas LLC 1 Broad St. Freehold, NJ 07728	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
Maria Pinho 134 Orchard Street Garfield, NJ 07026	Debtor	(as authorized by the court*) <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004-1550	Trustee	(as authorized by the court*) <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	(as authorized by the court*) <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other
		(as authorized by the court*)